

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

<p>CODY THORN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>ADVANCED CORRECTIONAL HEALTHCARE, INC. and NISHA CHELLAM, MD,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">2:22-CV-12592-TGB-DRG</p> <p style="text-align: center;">ORDER GRANTING MOTION TO TAKE PLAINTIFF’S DEPOSITION (ECF NO. 15)</p>
---	---

Plaintiff Cody Thorn has sued Defendants Advanced Correctional Healthcare, Inc. and Dr. Nisha Chellam, alleging that they were deliberately indifferent to his serious medical needs when he was booked into Monroe County Jail. *See* 42 U.S.C. § 1983. Defendants now seek leave of court, as required under Federal Rule of Civil Procedure 30(a)(2)(B), to take Thorn’s deposition. Thorn concurs with this request.

Rule 30 provides broad access to persons for depositions. Under Rule 30(a)(2)(B), however, a party must obtain leave of court when “the deponent is confined in prison.” In determining whether to grant such leave, Rule 30(a)(2) provides that “the court must grant leave to the extent consistent with Rule 26(b)(1) and (2)[.]” And under Rule 26(b)(1), parties “may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action,

the amount in controversy, the parties' relative access to the information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Rule 30(a)(2) "*requires* the Court to authorize a deposition unless the deponent is seeking privileged, irrelevant, or unnecessarily costly information." *McGinnis v. Huq*, No. 16-cv-13461, 2017 WL 1044989, at *1 (E.D. Mich. Mar. 20, 2017).

According to the parties, Thorn is being held at Monroe County Jail. Defendant's request to depose Thorn is appropriate, as they cannot defend against his claims unless they know what they are being accused of, and it is otherwise consistent with the applicable Federal Rules of Civil Procedure. According, the motion is **GRANTED**. Defendants may take the Thorn's deposition in person or by teleconference, at a time and date agreeable to Monroe County Jail authorities.

IT IS SO ORDERED, this 23rd day of May, 2023.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge